

EXHIBIT B



Abigail Everdell

ASSOCIATE

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Education

J.D., Columbia Law School, 2014

- Harlan Fiske Stone Scholar
- Editor-in-Chief, Columbia Journal of Law and Arts
- Michael D. Remer Memorial Award for Aptitude in Arts and Copyright Law, 2014

B.A., Comparative Literature, New York University, 2007, magna cum laude

Admitted to Practice

New York, 2015

Content carries risk, but it doesn't have to be a gamble. I can help shine a light on where risks lie, and will passionately defend your right to take them.

Abigail Everdell counsels and defends clients in a wide range of media, intellectual property and First Amendment matters. In counseling, Abigail provides clients a clear and accurate picture of legal and practical risks, while formulating a reasonable path to publication. She has extensive experience providing both on-call and on-site prepublication review for newspapers, books, documentary, and scripted content for a broad array of clients including The New York Post, The Wall Street Journal, Global Witness, Refinery 29, Vice, BuzzFeed, The Trace, Showtime, MTV, NowThis, In Touch, and Life & Style. Abigail is also an experienced litigator in both state and federal courts, providing vigorous and strategically minded representation to clients in high-profile matters involving defamation, copyright, privacy law, anti-SLAPP, reporter's privilege, advertising, and speech-focused tort claims, as well as in general commercial and contractual disputes.

Abigail regularly advises clients on their rights and obligations under the First Amendment, and works closely with clients to develop internal content and speech-related policies and strategies tailored to their business needs. Abigail has authored amicus briefs for the Supreme Court and Federal Appeals Courts concerning the broader free speech and press freedom implications of federal laws, doctrines, and executive orders. She works with the TIME'S UP Legal Defense Fund to counsel and defend clients facing legal threats for speaking out about harassment and assault, and serves on the associate board of Volunteer Lawyers for the Arts. Abigail worked in music journalism prior to pursuing a legal career.

Practice Highlights

Copyright defense

Defended an author and her publisher against claims from the author's ex-boyfriend that her debut novel infringed his unpublished screenplay.

Following outrageous and threatening conduct by plaintiff and his counsel in the course of settlement correspondence, filed affirmative claims against the plaintiff. Has since succeeded in obtaining dismissal with prejudice of all copyright claims-notwithstanding attempts by plaintiff to resort to obscure and ever-shifting theories of copyright law.

Libel defense

Regularly secured pre-discovery dismissal of defamation (and defamation-in-disguise) claims brought by plaintiffs with outsized resources and a passion for chilling speech.

First amendment counseling

Counseled a prominent nonprofit organization on First Amendment public forum analysis and its impact on the formulation and enforcement of visitor conduct policies.

Experience

Rajaratnam v. Motley Rice	Successfully secured pre-answer dismissal of civil RICO and libel claims brought by Raj Rajaratnam (who was convicted in one of the biggest insider trading case in U.S. history) against the law firm overseeing a class action against him for allegedly funding terrorism in Sri Lanka. (E.D.N.Y. 2020)
Miller v. Gizmodo Media Group LLC et al.	Won a motion for summary judgment on behalf of Gizmodo Media Group in a \$100 million defamation suit brought by Jason Miller, a former senior adviser to President-elect Trump. On August 27, Judge Cecilia M. Altonaga of the Southern District of Florida found that publication, on the Gizmodo website Splinter, of the article that gave rise to the suit was protected by New York's fair report privilege. It was a particularly important ruling, as the plaintiff had claimed that the court filing described in the story was under seal. (S.D. Fla. 2019)
Elias v. Rolling Stone LLC, et al.	Defended Rolling Stone and author Sabrina Rubin Erdely in libel suit brought by three fraternity brothers against Rolling Stone and author Sabrina Rubin Erdely arising out of article "A Rape on Campus." Amicably settled. (S.D.N.Y. 2017)
Higginbotham v. City of New York	Drafted amicus brief to the 2nd Circuit on behalf of the National Press Photographers Association and over 60 news companies and press organizations, asking the court to recognize a clearly established First Amendment right of the press and public to record police activity that occurs in public places. DWT also participated in oral argument on behalf of amici. Because the court disposed of the case on other grounds, the court did not reach the First Amendment issue; but the fight continues. (2017)

Virginia Alpha Chapter of Phi Kappa Psi Fraternity v. Rolling Stone LLC, et al.	Defended Rolling Stone and author Sabrina Rubin Erdely in libel suit brought by the UVA chapter of Phi Kappa Psi arising out of article "A Rape on Campus." Amicably settled after demurrer granted in part dismissing claims based on post-publication statements. (Va. Cir. Ct. 2017)
Eramo v. Rolling Stone LLC, et al.	Defended Rolling Stone and author Sabrina Rubin Erdely in libel suit brought by University of Virginia Dean Nicole Eramo arising out of an article "A Rape on Campus." Amicably settled after three week jury trial in October 2016 ended with \$2 million verdict against Erdely and \$1 million verdict against Rolling Stone. (W.D. Va. 2016)

Background

- Associate, Debevoise & Plimpton LLP, New York, N.Y., 2014-2016
- Legal Intern, Tumblr, Inc., New York, N.Y., 2013
- Legal Intern, Metropolitan Museum of Art, New York, N.Y., 2012

Memberships & Affiliations

- Associate Board Member, Volunteer Lawyers for the Arts, 2016-present

Insights

On Eve of Trial, Gizmodo Wins Dismissal of Ex-Trump Staffer's Libel Suit - Fair-Report Privilege Bars Claims, Media Law Monitor, 02.28.20

Mentioned in "Daily Dicta: Judge Axes Splinter.com Defamation Suit," Law.com, 08.29.19

Mentioned in "Gizmodo Defeats Ex-Trump Aide's 'Abortion Pill' Libel Case," Law360, 08.28.19

Davis Wright Tremaine Secures Favorable Ruling for Gizmodo in High-Profile Defamation Suit, 08.28.19

Defamation Defense for Women Standing Up in the #MeToo Movement, 2018

California Federal Court Puts Ex-Boyfriend's Copyright Claims over The Girls to Bed (Again), December 2018

"DWT Notches More Wins for the First Amendment and the Public's Right to Monitor Police Activity," Davis Wright Tremaine Pro Bono Report, 2017

"Pro Bono Immigration Work," Davis Wright Tremaine Pro Bono Report, 2017

Reminder: By December 31, 2017, Online Service Providers Must Re-Register DMCA Agents Registered Before December 1, 2016, 12.07.17

Three Things You Need to Know to Keep Your DMCA Safe Harbor Protection, Media Law Monitor, 09.28.17

Read This If You Have a Website!, 11.16.16